

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	CRIMINAL NO. 03-10370-DPW
)	
KURT WALTER, et al.,)	
Defendants.)	

PRELIMINARY ORDER OF FORFEITURE

WOODLOCK, D.J.,

WHEREAS, on or about August 11, 2005, a federal grand jury sitting in the District of Massachusetts returned an eight-count Second Superseding Indictment charging Kurt Walter and others, with the following violations: Conspiracy to Possess With Intent To Distribute and to Distribute Marijuana, in violation of 21 U.S.C. §846 (Count One); Possession With Intent To Distribute and Distribution of Marijuana, in violation of 21 U.S.C. §841 (Counts Two through Five); Money Laundering, in violation of 18 U.S.C. §1957, and Aiding and Abetting, in violation of 18 U.S.C. §2 (Count Six through Eight);

AND WHEREAS, the Second Superseding Indictment also contained a Criminal Forfeiture Allegation, in which, as a result of the defendants' commission of one or more of the offenses charged in Counts One through Eight of the Second Superseding Indictment, and pursuant to 21 U.S.C. §853, the United States sought the forfeiture of: (1) any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the charged offenses; and (2) any and all property used or

intended to be used in any manner or part to commit and to facilitate the commission of the offenses;

AND WHEREAS, the property to be forfeited specifically included the following real property:

All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 25 Royal Road, Brookline, Massachusetts, more fully described in the deed dated July 21, 1980, recorded at the Norfolk County Registry of Deeds, Book 575, page 574 ("the Royal Road Property");

AND WHEREAS, on August 26, 2005, at a Rule 11 hearing, pursuant to a written plea agreement, Kurt Walter entered a plea of guilty to Counts One through Eight of the Second Superseding Indictment and, in the plea agreement, and, as acknowledged in his colloquy with the Court, Kurt Walter agreed to forfeit to the United States any and all assets subject to forfeiture, pursuant to 21 U.S.C. §853 and 18 U.S.C. §982 as a result of his guilty plea;

AND WHEREAS, the only property specifically named in Forfeiture Allegation of the Second Superseding Indictment in which Kurt Walter had an interest was the Royal Road Property;

AND WHEREAS, by virtue of Kurt Walter's guilty plea and conviction, and the Criminal Forfeiture Allegation of the Superseding Indictment, the United States is now entitled to the forfeiture of Kurt Walter's interest in the Royal Road Property, pursuant to 21 U.S.C. §853(a) and (p), and Rule 32.2(b)(1) and (b)(2);

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. Based upon the conviction of Kurt Walter, the United States is hereby authorized to seize and forfeit an amount representing Kurt Walter's share of the Royal Road Property, that is, \$361,383.70, currently held by the Court, and that \$361,383.70, representing Kurt Walter's interest in the Royal Road Property is hereby forfeited to the United States of America, for disposition pursuant to the provisions of 21 U.S.C. §§853(a) and (p).

2. Pursuant to 21 U.S.C. §853, the United States Marshal Service shall take any other appropriate steps pursuant to the applicable provisions of 21 U.S.C. §853 to seize, forfeit, and dispose of the \$361,383.70, representing Kurt Walter's interest in the Royal Road Property, giving notice as required by law.

3. Pursuant to 21 U.S.C. §853(n)(1), the United States Marshal Service shall publish at least once for three successive weeks in the Boston Herald, or any other newspaper of general circulation in the District of Massachusetts, notice of this Order and of the United States' intent to dispose of the \$361,383.70, representing Kurt Walter's interest in the Royal Road Property in such manner as the Attorney General may direct.

4. Pursuant to 21 U.S.C. §853(n), the United States Marshal Service may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the \$361,383.70, representing Kurt Walter's interest in the Royal Road

Property that is the subject of this Order of Forfeiture as a substitute for published notice as to those persons so notified.

5. Pursuant to 21 U.S.C. §853(n)(2) and (3), the notice referred to in paragraphs 4 and 5, above, shall state: (a) that any person, other than the Defendant, asserting a legal interest in the \$361,383.70, representing Kurt Walter's interest in the Royal Road Property that is the subject of this Order of Forfeiture shall within thirty (30) days of the final publication of notice or that person's receipt of direct written notice, whichever is earlier, file a petition with the United States District Court for the District of Massachusetts and serve same upon the United States Attorney's Office, Asset Forfeiture Unit, One Courthouse Way, Suite 9200, Boston, Massachusetts 02210, requesting a hearing to adjudicate the validity of his or her interest in the property; and (b) that the petition shall be signed by the petitioner under the penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the \$361,383.70, representing Kurt Walter's interest in the Royal Road Property that is the subject of this Order of Forfeiture, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

6. Pursuant to 21 U.S.C. §853(n)(7), following the Court's disposition of all petitions filed under this subsection, or, if no

such petitions are filed following the expiration of the period provided in 21 U.S.C. §853(n)(2), for the filing of such petitions, the United States of America shall have clear title to the \$361,383.70, representing Kurt Walter's interest in the Royal Road Property that is the subject of this Order of Forfeiture.

7. Upon adjudication of all third party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. §853(n), and Rule 32.2 of the Federal Rule of Criminal Procedure, in which all interests will be addressed.

Date:

DOUGLAS P. WOODLOCK
United States District Judge